

**IN THE UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS LORENZ  
323 Garfield Avenue, Apartment 1  
Palmyra, NJ 08065

v.

CAROL STOJINSKI  
404 Stratford Road  
Catonsville, MD 21228  
and  
NANCY STOJINSKI  
404 Stratford Road  
Catonsville, MD 21228

C.A. NO.

NEW MATTER WITH AFFIRMATIVE  
DEFENSES

**DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT WITH AFFIRMATIVE DEFENSES**

1. Admitted that Plaintiff is an adult individual. All other averments are denied because after reasonable investigation Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters asserted. Strict proof at trial is demanded, if deemed material.

2-3. Admitted.

4-5. Denied as containing conclusions of law to which no Answer is required by the Federal Rules of Civil Procedure.

6. Paragraphs 2 and 3 above are incorporated herein by reference, as though fully set forth at length.

7-8. Denied.

9. Admitted.

**COUNT I**

10. Paragraphs 1 through 9 above are incorporated herein by reference, as though fully set forth at length.

11. Denied.

12. Denied as containing conclusions of law to which no Answer is required by the Federal Rules of Civil Procedure. By way of further Answer, and to the extent an Answer is required, paragraph 12 is denied.

13. Denied as containing conclusions of law to which no Answer is required by the Federal Rules of Civil Procedure.

14-18. Denied as containing conclusions of law to which no Answer is required by the Federal Rules of Civil Procedure. By way of further Answer, and to the extent an Answer is required, paragraphs 14 through 18 are denied.

WHEREFORE, Defendants request that Plaintiff's Complaint be dismissed with prejudice, that judgment be entered in favor of Defendants and against Plaintiff and that Defendants be awarded costs, interests and attorneys' fees as provided by law.

**COUNT II**

19. Paragraphs 1 through 18 above are incorporated herein by reference, as though fully set forth at length.

20. Denied as containing conclusions of law to which no Answer is required by the Federal Rules of Civil Procedure. By way of further Answer, and to the extent an Answer is required, paragraph 20 is denied.

21. Admitted.

22-27. Denied as containing conclusions of law to which no Answer is required by the Federal Rules of Civil Procedure. By way of further Answer, and to the extent an Answer is required, paragraphs 22 through 27 are denied.

WHEREFORE, Defendants request that Plaintiff's Complaint be dismissed with prejudice, that judgment be entered in favor of Defendants and against Plaintiff and that Defendants be awarded costs, interests and attorneys' fees as provided by law.

**FIRST AFFIRMATIVE DEFENSE**

Paragraphs 1 through 38 above are incorporated herein by reference, as though fully set forth at length.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiff's claims, including the claims for injuries, losses and/or damages, are limited are/or barred by virtue of the fact that Plaintiff is bound by the "verbal threshold" of the Laws of the State of New Jersey and Plaintiff's injuries, losses and/or damages do not breach that threshold.

**THIRD AFFIRMATIVE DEFENSE**

Upon information and belief, and pending further investigation and discovery, it is asserted that Plaintiff's claims are barred, in whole or in part, based on Plaintiff's failure to mitigate his damages.

**FOURTH AFFIRMATIVE DEFENSE**

Upon information and belief, and pending further investigation and discovery, it is asserted that Plaintiff's claims are barred, in whole or in part, by Plaintiff's own contributory/comparative negligence.

WHEREFORE, Defendants request that Plaintiff's Complaint be dismissed with prejudice, that judgment be entered in favor of Defendants and against Plaintiff and that Defendants be awarded costs, interests and attorneys' fees as provided by law.

Respectfully yours,

GEROLAMO, McNULTY, DIVIS & LEWBART

BY: Kevin R. McNulty  
KEVIN R. McNULTY  
Attorneys for Defendants